

MEMORANDUM

SUBJECT: Inspection Report for Summit, Inc.
6901 West Chicago Avenue/Industrial Highway, Gary, Indiana 46406

FROM: Sue Rodenbeck Brauer, RCRA Used Oil Expert
CS-2, RCRA Branch, Land and Chemicals Division

THROUGH: Paul Little
Chief, CS-2

TO: Mary S. Setnicar
Acting Chief, CS-1

This memorandum is the report of my April 2, 2008 inspection of the Summit Inc. ("Summit") scrap yard at 6901 West Chicago Avenue, Gary, Indiana 46406 ("the facility") for compliance with used oil management standards for used oil generators. Mr. Spiros Bourgikos of CS-1, Mr. Ken Zolnierczyk of the Pesticides/Toxics Compliance Section, and I represented Region 5. Ms. Rosemary Cantwell and Mr. Dorel Hunt represented IDEM. The facility was represented by Mr. Peter Coulopoulos, facility General Manager, and David S. Green of ATC Associates, Inc. in Highland, his environmental consultant.

The inspectors held a pre-meeting at the Highlands, Indiana fire station and talked with William Timmer, Fire Chief. Mr. Timmer provided local fire fighting history. Ms. Cantwell and Mr. Hunt explained Indiana's mercury switch regulation and rebate program. Trunk and door mercury switches must be removed; the removal of anti-lock brake switches is optional due to the relative difficulty of removing those switches. Mr. Zolnierczyk explained that electrical capacitors must be removed from white goods pursuant to TSCA. Mr. Bourgikos had left a message, the afternoon of April 1, 2008, for the facility manager asking him to be present on the day of the inspection.

Summit is registered with the Indiana Bureau of Motor Vehicles as an Auto Salvage Facility. Summit Inc. has not notified for regulated waste activities under RCRA, but Internet searches using the street address after the inspection resulted in identification of Western Scrap Corporation, at the same Chicago Avenue address. An EPA ID number was provided on one webpage for Western Scrap Corporation, but could not be confirmed at EPA's website. Western Scrap Corporation advertised in the Gary yellow pages in the following categories: Wrecking & Demolition Contractors, Auto Dismantling & Recycling.

The inspectors drove to the facility in two vehicles. Mr. Coulopoulos arrived at the facility and greeted us as we approached the office door. Summit's consultant arrived

shortly thereafter. Mr. Green of ATS has consulted for Summit for four years and prepared a stormwater pollution prevention plan one to one and a half years ago. The inspectors displayed credentials, introduced themselves, and provided business cards. Mr. Bourgikos provided handouts. Mr. Green mentioned that soil and groundwater at the facility have been tested for PCBs, as part of a phase 2 assessment, and none were detected. Mr. Coulopoulos owns some of the facility land and is in the process of purchasing the rest from Constance Coulopoulos.

The exterior office door opened to a large room with a picture window which was opaque from outside. As Mr. Coulopoulos sat at his desk, the window was at his back. He called loudly (in a civil manner) for employees in separate rooms and they came to see what he wanted or needed. He is clearly the boss. Mr. Coulopoulos said that he chooses employees with families because they are more likely to be steady and reliable. Summit's 68 employees receive bonuses, health insurance, and retirement (not a 401k plan). He described his religious faith (Orthodox Catholicism), the ongoing Lent fast, and his devotion to his five children. Mr. Coulopoulos expressed his willingness to cooperate and asked the inspectors to point out problems and to suggest solutions during the inspection. He thinks that the EPA-industry relationship should not be adversarial. Throughout our time at the facility, Mr. Coulopoulos received calls on his cell phone, conducting business (e.g., regarding commodity prices) and asking some callers to call back later. The office building is obviously in poor condition, with water dripping from the ceiling in more than one location. From the outside, the flat, sloped roof rafters appear to be rotting. Mr. Coulopoulos said that he was quoted \$40,000 for a new roof and decided to build a new, smaller building at \$100 per square foot instead.

Summit is not a publicly traded company. Mr. Coulopoulos' parents were in the scrap business at this location when he graduated from [said high school but meant college] in 1976, and he estimates the company began operations in about 1970. Mr. Peter Coulopoulos began operating it in 2002. He will be 54 in 2008.

Summit deals in obsolete ferrous scrap, not industrial scrap. Summit does not intentionally receive electrical equipment, but some is received with ferrous material. The facility receives about 100 cars per day (5 days a week 8:00 to 4:30, ½ Saturday irregularly) in various stages of disassembly and processes them for auto shredders who sell the steel to steel mills. Summit does not have eddy current equipment or a shredder on-site. Summit deals with Metal Management Midwest Inc (formerly Cozzi) or General Iron (and possibly Omnisource-notes are not clear) which have shredders. Cars are crushed for economy in transportation. A trailer can carry 9 uncrushed cars (13 tons) or 16 cars (22 tons). Summit Inc. accumulates tires in a "little" pile for a few months, then loads them with a grapple hook into an "open top" for shipment to Elk Distributing. At the scrap processing shredder, cars with tires are worth \$20.00 less. Some cars are received with tires inside.

Mr. Coulopoulos talked about Indiana's mercury switch bounty and whether it is worth the labor to remove the switches. According to him, Summit Inc. pulls the switches when the cars are drained and puts the switches in a white bucket. The car titles are in the front

office, and it would cost more than \$3 to maintain a paper trail to identify from which car each switch was removed. Ms. Cantwell and Mr. Hunt arranged to provide information on the state law and an explanation of the program to the facility. According to Mr. Hunt, who checked with his office the inspection, IDEM modified the paper trail requirements in response to industry concerns like Mr. Coulopoulos expressed.

Summit Inc. receives scrap from street collectors and bales it. No steps are taken to remove capacitors. Mr. Zolnierczyk explained what capacitors are and usage in appliance (e.g., washing machines) starter motors. Mr. Coulopoulos opined that it was backwards to regulate PCBs and mercury at product end-of-life.

I requested copies of used oil manifests for calendar year 2008. Office staff provided manifests, invoices, and bills of lading.

The inspectors began to walk around the site, walking southeast along the Industrial Highway (northeast) side of the facility. The four out-of-service underground storage tanks (USTs), formerly used to store used oil and described by Sandy Siler in her report are between the office building and adjacent to the maintenance building, the first structure on the left. The access pipe of at least one UST is not capped. Summit plans to remove the USTs soon. Most vehicle maintenance is farmed out to Hammond Truck Wash and others. On-site maintenance activity includes fixing tail lights and changing tires. Oil, antifreeze, and lubricant (for semi tractors' fifth wheel) products were observed in the maintenance building. I did not observe any obvious hazardous waste management in the building. In the maintenance building, a large, elevated, centrally located firebox had been used as a wood fireplace.

Further southeast along Industrial Highway, there is a large cement pad with broken curbing on the northwest side (photo 13). Tires are piled between the fence and the cement pad. Two automobile crushers are on the pad. Crushed cars are stacked three high on a drip tray on the pad, and then removed. The pad is sloped toward the center, and the drain (estimated to have a diameter of less than 2 inches) to an oil-water separator is more than an inch above the pad floor. The crusher at the northwest end was being drained of hydraulic oil into a five gallon pail. The pail was not labeled "used oil." Additional pails with oily residue near the crusher were not labeled "used oil." The oil water separator struck me as undersized. It is about three feet long, consists of three compartments about one foot wide, and is of unknown depth. The oil water separator is releasing used oil outside the pad, to the environment (photo 14). I did not observe management (i.e., an onsite wastewater treatment process or NPDES permitted outfall) of any wastewater.

Further southeast along Industrial Highway and still on the pad, there are crushed cars stacked about six high and wrapped in clear plastic, then an area with plastic totes (about three feet by three feet by three feet with open tops) containing car batteries. The plastic tote is provided by the battery vendor, TNS (T & S?) Trading. The few (less than fifteen) mercury switches removed are in an unlabeled bucket and have not been separated from associated electrical connections and light bulb bases. Next, there is a spike over a catch

basin more than five feet above the pad so that a front-loader/fork lift can impale a car's gasoline tank on the spike, drain and collect the gasoline before crushing the car. A hose is fitted to the bottom of the basin and gasoline gravity drains to a horizontal tank (reportedly double-walled) with DOT labeling (flammable). This draining operation is sheltered by a three-sided shed. After draining the gasoline, the car is crushed. Additional automotive fluids (used crankcase oil, transmission fluid, and brake fluid) drain to the crusher pad and car trays on the pad.

To the southeast of the shed, a Beaver Oil Company truck was pumping oil from unlabeled drums. The driver, Steve (the name on his uniform), said that he usually serves the same customers on a fixed route. Steve had already pumped out 11 drums that were not labeled "used oil" and 19 unlabeled drums remained to be pumped (photos). Steve said that he could pump out multiple waste liquids if he had a truck with multiple compartments. On April 2, 2008 he was only pumping used oil. To tell whether an unlabeled drum contains used oil, he sticks the hose in the drum and lifts it out to observe the fluid characteristics (e.g., color, smell).

Further southeast, there was a second crusher and a horizontal gray tank used to store used oil from the crusher. The crusher hydraulic oil was draining into a five gallon bucket not labeled "used oil." Inside the metal containment (floor, 4 sides, and no top), there were at least four drums of used hydraulic oil. The containment was covered by a blue tarp which was weighted down with tires. The tank and drums are not labeled "used oil." Between the crusher pad and the fence, there was a pile of tires, and I observed a large puddle of greenish fluid with a sheen (see photo).

The facility is located in a wetland area, and the frogs were loud. The land surface slopes down to the southeast. I continued southeast through the scrap car yard to a pond and observed that it did not have an oil sheen. I turned around and returned to the general area of the second crusher. The EPA and IDEM inspectors walked south between stacks of crushed cars with Mr. Coulopoulos and Mr. Green. Oil drips were visible on the muddy surface of the road. The road base consisted of large gravel, and mud oozed between the front loader tire sipes, leaving tracks. Oil and other fluids continue to drip from the crushed cars (photo). Slag is stockpiled for fill and road base. While walking to the scrap yard's southeast boundary (at railroad tracks), we heard what may have been a gunshot. Mr. Coulopoulos surmised it came from the yellow building across Industrial Highway.

The inspectors left Summit property to observe Mr. Coulopoulos' complaint regarding disposal of tarry tank bottoms. He talked about the facilities that surrounded Summit Inc. Conservation Chemical, a Superfund site (EPA contact Steve Farina), was accessed through Summit Inc.'s property alongside the railroad tracks separating Summit Inc. from the Gary Airport. Luria Bros & Co Inc used to process metal turnings by burning off the oil, issuing clouds of black smoke, before returning the metal to the mills. Barry Refinery also was a neighbor. To the southeast of Summit Inc's entrance, there are wetlands where, according to Mr. Coulopoulos, City Service (on the west side of Cline

Avenue) piped tarry tank bottoms to dispose of them (see photo). He is upset that all industries are not being equally regulated.

Heading back toward the facility entrance, we observed a green scrap baler, orange Daewoo crane with a shear, and a yellow crane with a grapple hook handling scrap. Outside the building west of the office and next to W. Chicago Avenue, scrap was being torch-cut. Gas cylinders were not secured (chained to a vertical support). Inside another building, workers were removing catalyst (platinum, rhodium, iridium) from automobile catalytic converters, using a shear to cut through the shell, and sorting higher value scrap (alternators, starters, aluminum) into large corrugated cardboard boxes (roughly four feet cubed) on pallets.

The inspectors provided an exit interview.

- I advised the facility to label used oil tanks and containers. Mr. Coulopoulos verbally ordered the procurement of three 500 gallon double-walled tanks rather than drums for used oil and ordered that they be labeled. Earlier that day, he had stated that the stencils are on-site.
- I identified the leaking oil water separator as a problem. He called Dennis into the office and ordered a new oil/water separator.
- I told Mr. Coulopoulos to remove used oil from the vehicles before crushing them and recommended pumping it out. He said that it would be difficult in cold weather. Dennis thought a vacuum pump would work.

Mr. Coulopoulos or Dennis said that Jamie Witham¹ is working on an order for three 500 gallon double wall tanks on cradles (\$5400) to eliminate use of 55 gallon drums. Mr. Coulopoulos said Summit would use the drums as secondary containment for containers (buckets) holding batteries.

Rosemary Cantwell informed Mr. Coulopoulos that the buckets should contain fewer than 450 mercury switches so that the weight of mercury would be less than one pound, putting the containers in a different category of DOT regulation than containers holding over one pound of mercury. In addition, Rosemary informed Mr. Coulopoulos that IDEM limits the accumulation time for tires without rims to 30 days.

The inspection ended at 2:30 PM Chicago time. The EPA inspectors returned to the office directly.

¹ Could be Witham Sales & Service Inc [Witham's Service], 6435 S Howard Ave, Hammond, IN 46320-2773, (219) 932-0352; Also Does Business As: Witham's Service; SIC: Gasoline Service Stations; Line of Business: Gasoline Service Station Retail Fuel Oil Dealer Petroleum Bulk Station Retail Tobacco Products Retail Groceries. www.manta.com/coms2/dnbccompany_wlyfg, accessed 4/7/08.

Used Oil Regulatory Review – Indiana Administrative Code (IAC) Checklist
329 IAC Article 13. Used Oil Management

Rule 4. Used Oil Generators

329 IAC 13-4-1 Applicability

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 1. (a) Except as provided in this section, this rule applies to all used oil generators. A used oil generator is any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation. This rule does not apply to the following:

- (1) Household do-it-yourselfer used oil generators are not subject to regulation under this article. **NA**
- (2) Vessels at sea or at port are not subject to this rule. For purposes of this rule, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the person or persons removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with this rule once the used oil is transported ashore. The co-generators may decide among them which party will fulfill the requirements of this rule. **NA**
- (3) Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are not subject to this article once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of this rule. **NA**
- (4) Farmers who generate an average of twenty-five (25) gallons per month or less of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of this article. **NA**

(b) Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of this article: **NA**

- (1) Generators who transport used oil, except under the self-transport provisions of section 5(1) and 5(2) of this rule, must also comply with 329 IAC 13-6.
- (2) Except as provided in subdivision (3), generators who process or re-refine used oil must also comply with 329 IAC 13-7.
- (3) Generators who perform any of the following activities are not processors provided that the used oil is generated on-site and is not being sent off-site to a burner of on-specification or off-specification used oil fuel:
 - (A) Filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by the generator. **NA**
 - (B) Separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse under Section 402 or 307(b) of the Clean Water Act or other applicable federal or state regulations governing the management or discharge of wastewaters. **Obtain stormwater permit.**
 - (C) Using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation. **NA**
 - (D) Draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible under 329 IAC 13-3-1(c). **NA**
 - (E) Filtering, separating, or otherwise reconditioning used oil before burning it in a space heater under section 4 of this rule. **NA**

(4) Generators who burn off-specification used oil for energy recovery, except under the on-site space heater provisions of section 4 of this rule, must also comply with 329 IAC 13-8. **NA**

(5) Generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 329 IAC 13-3-2 must also comply with 329 IAC 13-9. **Applicable**

(6) Generators who dispose of used oil must also comply with 329 IAC 13-10. **See comments below.**
(Solid Waste Management Board; 329 IAC 13-4-1; filed Feb 3, 1997, 9:15 a.m.; 20 IR 1496; readopted filed Jan 10, 2001, 3:25 p.m.; 24 IR 1535)

329 IAC 13-4-2 Hazardous waste mixing

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 2. (a) Mixtures of used oil and hazardous waste must be managed in accordance with 329 IAC 13-3-1(b). **Summit may mix used oil and coolant. Obtain hazardous waste determination for coolant and, if coolant is hazardous, for used oil-coolant mixture.**

(b) The rebuttable presumption for used oil of 329 IAC 13-3-1(b)(1)(B) applies to used oil managed by generators. Under the rebuttable presumption for used oil of 329 IAC 13-3-1(b)(1)(B), used oil containing greater than one thousand (1,000) parts per million total halogens is presumed to be a hazardous waste and thus must be managed as hazardous waste and not as used oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils or fluids and certain used oils removed from refrigeration units. **No samples taken during inspection.**

(Solid Waste Management Board; 329 IAC 13-4-2; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1497; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 13-4-3 Used oil storage

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30; 40 CFR 112; 40 CFR 264; 40 CFR 265; 40 CFR 280

Sec. 3. (a) In addition to the requirements of this rule, used oil generators are also subject to the following:

(1) All applicable spill prevention, control, and countermeasures found at 40 CFR 112. **Request SPCC and/or Stormwater Pollution Prevention Plan.**

(2) The underground storage tank standards found at 40 CFR 280 for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste. **USTs not in use.**

(3) All applicable regulations of the Indiana fire prevention and building safety commission.

(b) Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR 264 or 40 CFR 265. **See oil water separator photo.**

(c) Containers and aboveground tanks used to store used oil at generator facilities must **(applicable)**:

(1) be in good condition with no severe rusting, apparent structural defects, or deterioration; and

(2) not be leaking (no visible leaks).

(d) Requirements for labels shall be as follows **(applicable)**:

(1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil".

(2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil".

(e) Upon detection of a release of used oil to the environment not subject to the requirements of 40 CFR 280 Subpart F, which has occurred after the effective date of this rule, a generator must perform the following clean-up steps **(applicable)**:

(1) Stop the release.

(2) Contain the released used oil.

(3) Clean up and manage properly the released used oil and other materials.

(4) Communicate a spill report in accordance with 327 IAC 2-6.1.

(5) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Solid Waste Management Board; 329 IAC 13-4-3; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1497; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 13-4-4 On-site burning in space heaters

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 4. Generators may burn used oil in used oil-fired space heaters provided that **(NA)**:

(1) the heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators;

(2) the heater is designed to have a maximum capacity of not more than five-tenths (0.5) million British thermal units per hour; and,

(3) the combustion gases from the heater are vented to the ambient air.

(Solid Waste Management Board; 329 IAC 13-4-4; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1497; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 13-4-5 Off-site shipments

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 5. Except as provided as follows, generators must ensure that their used oil is transported only by transporters who have obtained EPA identification numbers (**applicable**):

(1) Generators may transport, without an EPA identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that (**NA**):

(A) the generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;

(B) the generator transports no more than fifty-five (55) gallons of used oil at any time; and

(C) the generator transports the used oil to a used oil collection center that is registered, licensed, permitted, or recognized by a state, county, or municipal government to manage used oil.

(2) Generators may transport, without an EPA identification number, used oil that is generated at the generator's site to an aggregation point provided that (**NA**):

(A) the generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;

(B) the generator transports no more than fifty-five (55) gallons of used oil at any time; and

(C) the generator transports the used oil to an aggregation point that is owned or operated by the same generator.

(3) Used oil generators may arrange for used oil to be transported by a transporter without an EPA identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor or re-refiner to the generator for use as a lubricant, cutting oil, or coolant. The contract, known as a tolling arrangement, must indicate (**NA**):

(A) The type of used oil and the frequency of shipments.

(B) That the vehicle used to transport the used oil to the processing or re-refining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor or re-refiner.

(C) That reclaimed oil will be returned to the generator.

(Solid Waste Management Board; 329 IAC 13-4-5; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1498; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

Rule 9. Used Oil Fuel Marketers

329 IAC 13-9-1 Applicability

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 1. (a) Any person who conducts either of the following activities is subject to the requirements of this rule:

(1) Directs a shipment of off-specification used oil from their facility to a used oil burner **NA see (b)(1)**.

(2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in 329 IAC 13-3-2. **Applicable? See, for example, Beaver Bill of Lading 24024 and 25397.**

(b) The following persons are not marketers subject to this rule:

(1) Used oil generators and transporters who transport used oil received only from generators unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. However, processors and re-refiners who burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. **NA**

Thus, generators and transporters who direct shipments of off-specification used oil to processors or re-refiners who incidentally burn used oil are not marketers subject to this rule. **Applicable.**

(2) Persons who direct shipments of on-specification used oil and who are not the first person to claim the oil meets the used oil fuel specifications of 329 IAC 13-3-2. **NA**

(c) Any person subject to the requirements of this rule must also comply with one (1) of the following:

(1) 329 IAC 13-4, used oil generators. **Applicable**

(2) 329 IAC 13-6, used oil transporters and transfer facilities. **NA**

(3) 329 IAC 13-7, used oil processors and re-refiners. **NA**

(4) 329 IAC 13-8, used oil burners who burn off-specification used oil for energy recovery. **NA**

(Solid Waste Management Board; 329 IAC 13-9-1; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1512; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 13-9-2 Prohibitions

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 2. A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who:

- (1) has an EPA identification number; and
- (2) burns the used oil in an industrial furnace or boiler identified in 329 IAC 13-8-2(a).

(Solid Waste Management Board; 329 IAC 13-9-2; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1512; readopted filed Jan 10, 2001, 3:25 p.m.:

24 IR 1535)

329 IAC 13-9-3 On-specification used oil fuel

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 3. (a) A:

- (1) generator;
- (2) transporter;
- (3) processor or re-refiner; or
- (4) burner;

may determine that used oil that is to be burned for energy recovery meets the fuel specifications of 329 IAC 13-3-2 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications. **Request information.**

(b) A:

- (1) generator;
- (2) transporter;
- (3) processor or re-refiner; or
- (4) burner;

who first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under 329 IAC 13-3-2, must keep copies of analyses of the used oil or other information used to make the determination for three (3) years. **Request information**

(Solid Waste Management Board; 329 IAC 13-9-3; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1512; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 13-9-4 Notification

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 4. (a) A used oil fuel marketer subject to the requirements of this rule who has not previously complied with the notification requirements of RCRA Section 3010 must comply with this rule and obtain an EPA identification number. **Applicable?**

(b) A marketer requiring an EPA identification number who has not received an EPA identification number shall obtain one by notifying the commissioner of their used oil activity by submitting a completed EPA Form 8700-12, Notification of Regulated Waste Activity Report. To request EPA Form 8700-12, call the department at (317) 232-7956. Completed forms shall be mailed to the Indiana Department of Environmental Management, Office of Land Quality, P.O. Box 7035, Indianapolis, Indiana 46207-7035.

(Solid Waste Management Board; 329 IAC 13-9-4; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1512; errata filed Aug 10, 2000, 1:26 p.m.:

23 IR 3091; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 13-9-5 Tracking

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 5. (a) Any used oil marketer who directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information **Applicable?:**

- (1) The name and address of the transporter who delivers the used oil to the burner.
- (2) The name and address of the burner who will receive the used oil.
- (3) The EPA identification number of the transporter who delivers the used oil to the burner.
- (4) The EPA identification number of the burner.
- (5) The quantity of used oil shipped.

(6) The date of shipment.

(b) A generator, transporter, processor or re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under 329 IAC 13-3-2 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information (see e.g., **Bill of Lading 24024 and 25397**):

(1) The name and address of the facility receiving the shipment.

(2) The quantity of used oil fuel delivered.

(3) The date of shipment or delivery.

(4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under section 3(a) of this rule.

(c) The records described in this section must be maintained for at least three (3) years.

(Solid Waste Management Board; 329

IAC 13-9-5; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1513; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Apr 13, 2005, 11:30

a.m.: 28 IR 2669)

329 IAC 13-9-6 Notices

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30

Sec. 6. (a) Before a used oil generator, transporter, or processor or re-refiner directs the first shipment of off-specification used oil fuel to a burner, the used oil generator, transporter, or processor or re-refiner must obtain a one (1) time written and signed notice from the burner certifying the following (NA):

(1) The burner has notified EPA or the department stating the location and general description of used oil management activities.

(2) The burner will burn the off-specification used oil only in an industrial furnace or boiler identified in 329 IAC 13-8-2(a).

(b) The certification described in this section must be maintained for three (3) years from the date the last shipment of off specification used oil is shipped to the burner.

(Solid Waste Management Board; 329 IAC 13-9-6; filed Feb 3, 1997, 9:15 a.m.: 20

IR 1513; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 13-4-1 Applicability

Sec. 1. (b)(6) Generators who dispose of used oil must also comply with 329 IAC 13-10. Summit disposed of used oil on the yard surface when it covered used oil drips with oil dry instead of picking up the used oil. Summit also disposed of used oil at the oil-water separator. A hazardous waste determination is required for disposed used oil.

329 IAC 13-4-3 Used oil storage

(b) Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR 264 or 40 CFR 265.

Summit stored used oil in 55-gallon drums and in an oil-water separator. Judging from a question asked by Mr. Coulopoulos, observations of the liquid waste management on the crusher pad, and used oil tracking documents, Summit mixes used oil and coolant.

(c) Containers and aboveground tanks used to store used oil at generator facilities must:

(1) be in good condition with no severe rusting, apparent structural defects, or deterioration; and

(2) not be leaking (no visible leaks).

Summit stored used oil in adequate condition drums that were not obviously leaking and were on shallow secondary containment. Summit also stored used oil in the oil water separator that leaked. Secondary containment is not required for used oil generators.

(d) Requirements for labels shall be as follows:

(1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Summit's tanks and drums on the crusher pad were not labeled. The oil-water separator was not labeled "used oil."

(2) Fill pipes used to transfer used oil into underground storage tanks

Summit doesn't store used oil in USTs, and there were no fill pipes labeled. One could look down at the ground and look into at least one UST since the 3 inch (estimated) diameter opening was not covered.

(e) Upon detection of a release of used oil to the environment not subject to the requirements of 40 CFR 280 Subpart F, which has occurred after [January 4, 2001], a generator must perform the following clean-up steps not subject to the requirements of 40 CFR 280 Subpart F (corrective action for leaking underground storage tanks), which has occurred after the effective date of this rule, a generator must perform the following clean-up steps:

(1) Stop the release.

(2) Contain the released used oil.

(3) Clean up and manage properly the released used oil and other materials.

(4) Communicate a spill report in accordance with 327 IAC 2-6.1.

(5) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Summit detected releases of used oil to the unpaved yard and covered the releases with oil dry. Summit's oil-water separator released used oil to the environment.

329 IAC 13-4-5 Off-site shipments.

Except as provided as follows, generators must ensure that their used oil is transported only by transporters who have obtained EPA identification numbers.

Summit uses Beaver Oil Company, which has an EPA ID number.



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_010

Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Description of photograph: This photograph was taken facing northeast. The fence behind the yellow-orange crusher is parallel to Industrial Highway. Note the broken curbing on the crusher pad beneath the rear bumper of the car to the left. Note fresh oil dry and oil staining on the crusher pad floor. The bucket is not labeled "used oil."



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

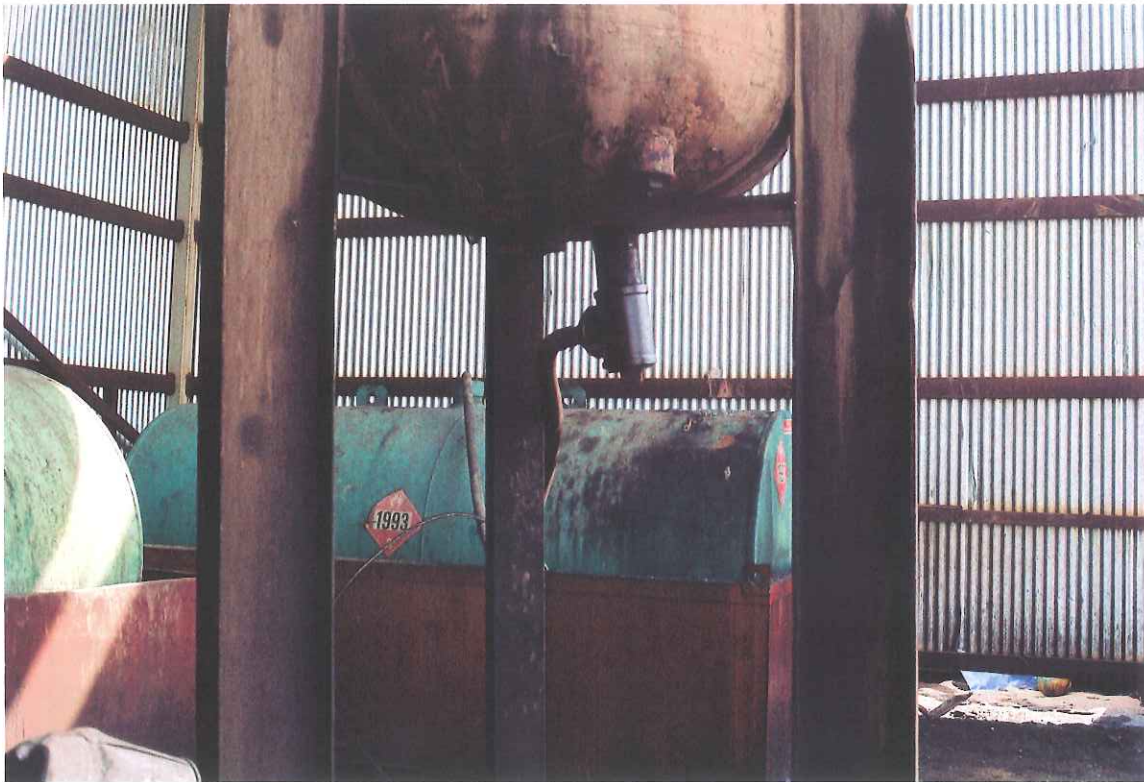
Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_011

Description of photograph: This photograph was taken facing southwest while standing between the crusher pad and the Summit fence parallel to Industrial Highway. Mr. Green identified this metal unit as an oil water separator during the inspection. Note the pipe to the oil water separator through the crusher pad curb (top right of metal box) and the pipe releasing used oil to the environment on the left side of the separator.



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_012

Description of photograph: This photograph was taken facing northeast. I was standing on the crusher pad under a three-sided shed, southeast of the first crusher in the first photograph (853659-R1-029-13_010) and northwest of the oil water separator (photograph 853659-R1-029-13_011). At the top of the picture is a raised basin that collects gasoline when automobile gasoline tanks are impaled on a spike. The green tank in the background receives the drained gasoline through a fitting and hose (behind the rear leg of the cradle or stand). Note the DOT 1993 placard and tank secondary containment. The hose connection to the basin fitting had a fast drip, not quite a steady stream, and I think at least two drops are visible in this picture: one drop is just above the bottom of the picture to the right of the back leg and the other is directly above it in front of the green tank slightly above the hose bend to the right. The blue tarp visible beneath the shed wall (bottom right) is the blue tarp in photo 853659-R1-029-13_013. The gasoline is picked up by Beaver Oil Company.



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

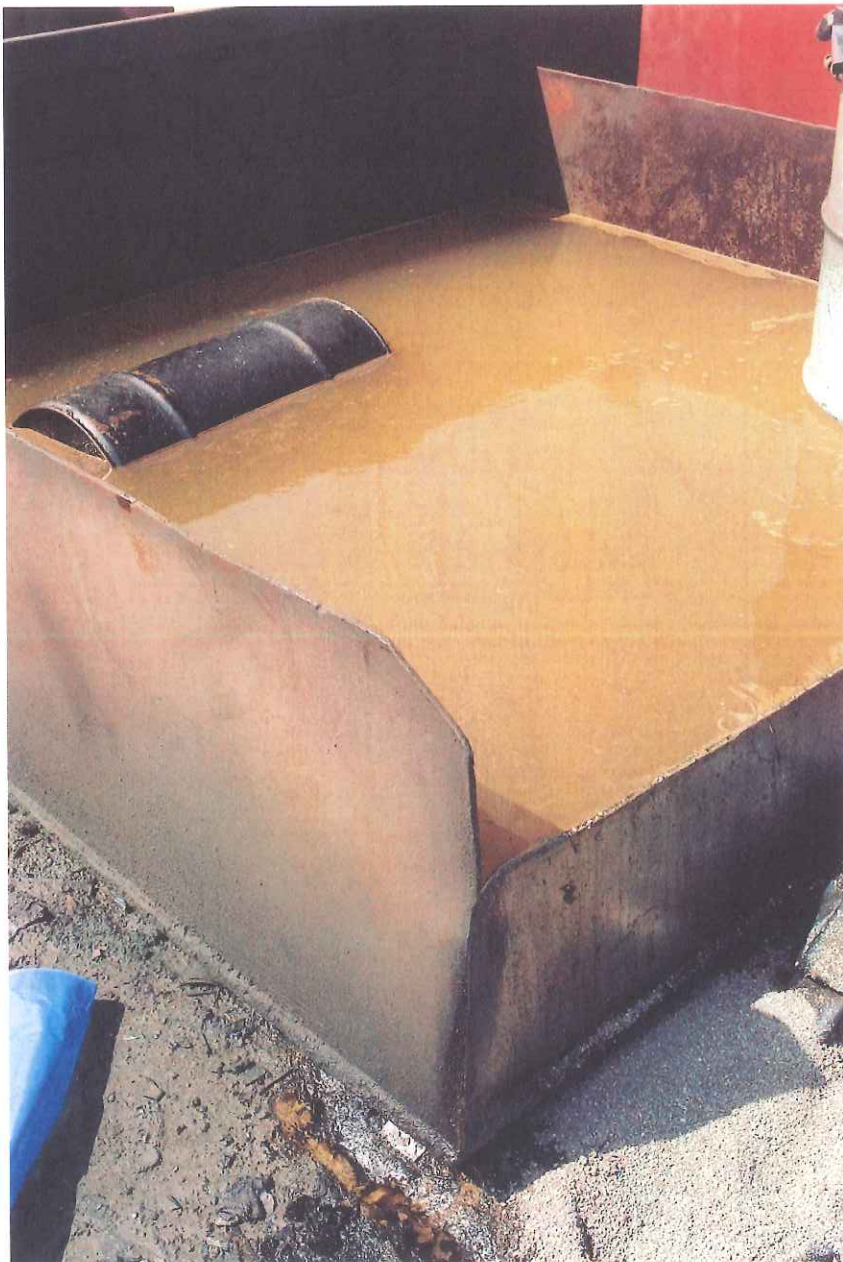
Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_013

Description of photograph: This photograph was taken facing west with my back to the fence along Industrial Highway and the oil water separator. The metal containers hold drums containing wastewater according to Steve, the Beaver Oil Company truck driver. The truck at the top left of the picture is a one compartment Beaver Oil Company truck, and Steve had pumped used oil from the drums to the left of this picture. The nineteen used oil drums remaining to be emptied are between the truck and the metal totes. This shows the truck backed up onto the pad in order to pump out the drums. Ken Zolnierczyk and Dorel Hunt are standing in front of the stacked cars in the background.



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_014

Description of photograph: Steve, the Beaver Oil Company truck driver described the material in this metal tote as wastewater. Note the fresh oil dry between this tote and the northeast edge of the crusher pad.



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_015

Description of photograph: As Steve, the Beaver Oil Company driver pumps the drums empty, he moves them to the left of this picture, leaving drum impressions in the oil and dirt on the crusher pad. Note the absence of container labeling.



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_016

Description of photograph: This photograph was taken looking northwest. The tires are piled between the crusher pad and the Summit Inc fence alongside Industrial Highway. The pooled water has a greenish tinge, as if it is diluted from the liquid in the steel totes (refer to photos 13 and 14) or from fluorescent green antifreeze/coolant. The shadow of the second crusher observed during the inspection is to the left side. Drums of used oil are in a metal tote under the blue tarp weighted down with tires (left side, to the back). These drums had the original product label and were not labeled "used oil."



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_017

Description of photograph: This wet area is down slope from the crusher pad and was taken looking southeast. The yellow building to the left is across Industrial Highway. Summit Inc. property continues beyond the low rise with trees. No oil sheen was observed on this water.



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_018

Description of photograph: Southwest of the crusher pad, hundreds of cars are stacked. The yard is not paved, and drips of used oil form trails. Oil dry had been applied to some such drips. The middle car in this stack exemplifies the need to drain all fluids before crushing the cars. Used oil from the top car has run down the side of the middle car.



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_019

Description of photograph: This photograph was taken facing west. This is a 'side excursion' from the Summit Inc scrap operations to property south of Summit Inc. Mr. Coulopoulos stated that City Services (across Cline Avenue to the west) piped tarry tank bottoms to this wetland area east of Cline Avenue to dispose of the waste. This is located south of Luria Bros (Superfund removal site), Barry Refining (no longer present), and Conservation Chemical (Superfund removal site) and north of Gary Avenue. We walked south from Summit Inc along a ridge of fill material (including bricks) with a rail track at the top. Mr. Coulopoulos remarked that someone was trying to remove the spur. Mr. Coulopoulos described the area as the Gary Airport's new runway.



Date: April 2, 2008

Location: Summit Inc., 6901 W. Chicago Avenue, Gary, Indiana 46406

Photographer: Sue Rodenbeck Brauer, Region 5 RCRA Used Oil Expert

Camera: Konica Autoreflex TC 35 mm, personal property of the photographer

Film: Kodak Max 800 ASA

Compact Disk Image Number: 853659-R1-029-13_020

Description of photograph: To the right, the yellow crane with the grappling hook is used to fill the green baler. The orange crane has hydraulic shears used to reduce scrap size.

Documents Obtained During the Inspection (numbers generally at top right of page)

Half Sheet Bills of Lading

24034*, 171781, 11922, 25397*, 171923, 25518*, 25795*, 171416, 25920*, 25609,
171925

* Bills of Lading marked with an asterisk include "Generator Certification: I Certify that to the best of my knowledge this oil has not been mixed with any listed hazardous waste and that this oil meets the definition of An-specification oil as per 40 CFR part 279."

Full Page Bill of Lading/Tracking Document

05229, 05230, 003611423 JJK, 05231, 004053563 JJK, 04881, 003613771 JJK, 05233

Invoice

139222, 139606, 140098

Check

034025 (redacted)

